

I, Adam L. Pollock, declare as follows:

1. I am an attorney at Morvillo, Abramowitz, Grand, Iason, Anello & Bohrer, P.C., counsel of record for plaintiff William I. Koch (“Koch”) in the above-captioned action. I am a member of the Bar of this Court and an attorney in good standing of the State Bar of New York. I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently to such facts under oath. This declaration is offered in support of Koch’s Motion for Elimination or Modification of the Protective Order and Application for Removal of Confidentiality Designations.

2. I have met and conferred with Amy Hespenheide, counsel for Defendant Eric Greenberg (“Greenberg”), regarding the confidentiality designations on deposition testimony and documents produced in this case. Greenberg, with rare exceptions, has refused to change his designations.

3. Attached hereto as **Exhibit A** is a true and correct copy of an email from Edward M. Spiro to Amy Hespenheide dated May 27, 2010 challenging the designation of certain documents produced in this action by Fireman’s Fund Insurance Company, Greenberg, and Edgerton.

4. Attached hereto as **Exhibit B** is a true and correct copy of an email from Amy Hespenheide to Edward M. Spiro dated May 28, 2010. In this email, Greenberg agreed to withdraw confidentiality designations only as to a limited number of documents.

5. On or about July 15, 2010 and July 20, 2010, Edward M. Spiro and I had teleconferences with Amy Hespenheide to discuss confidentiality designations with regard to documents produced by Greenberg and requested that they be removed. I do not recall that Greenberg agreed to withdraw any further confidentiality designations.

6. Attached hereto as **Exhibit C** is a true and correct copy of a letter that I sent to Amy Hespenheide dated September 7, 2010. In this letter, Koch objected to Greenberg's blanket confidential designation of the entire transcript of the deposition taken of Jaime Cortes as not appropriately limited to information as defined under the protective order in this case.

7. Attached hereto as **Exhibit D** is a true and correct copy of a letter that Amy Hespenheide sent to me dated September 13, 2010. In this letter, Greenberg designated certain portions of the Jaime Cortes deposition transcript as confidential and certain portions as confidential – attorneys' eyes only.

8. Attached hereto as **Exhibit E** is a true and correct copy of a letter that Amy Hespenheide sent to me dated October 18, 2010. In this letter, Greenberg designated the entire transcripts of the depositions taken of Thierry Lovato, Serena Sutcliffe, Richard Brierley, and Jamie Ritchie as confidential.

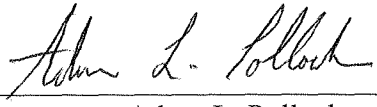
9. Attached hereto as **Exhibit F** is a true and correct copy of a letter that I sent to Amy Hespenheide dated October 20, 2010. In this letter, Koch objected to Greenberg's blanket confidential designation of the entire transcripts of depositions taken of Thierry Lovato, Serena Sutcliffe, Richard Brierley, and Jamie Ritchie as not appropriately limited to information as defined under the protective order in this case.

10. Attached hereto as **Exhibit G** is a true and correct copy of an email that Amy Hespenheide sent me on October 21, 2010. In this email, Greenberg states that he will "soon" provide more specific confidentiality designations of the transcripts of depositions

taken of Thierry Lovato, Serena Sutcliffe, Richard Brierley, and Jamie Ritchie. As of the date of this declaration, Greenberg has not done so.

Executed on November 22, 2010, at New York, New York.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.


Adam L. Pollock